

ORDINANCE NO. 98-52

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY,
3 FLORIDA, AMENDING SECTION 17-116 OF
4 THE CODE OF LAWS AND ORDINANCES
5 RELATING TO THE PALM BEACH COUNTY
6 GOVERNMENT, RELATING TO THE TOURIST
7 DEVELOPMENT TAX PURSUANT TO THE
8 "LOCAL OPTION TOURIST DEVELOPMENT
9 ACT," PROVIDING FOR AUTHORIZATION TO
10 EXPEND TOURIST DEVELOPMENT TAX
11 REVENUES FOR THE OPERATION AND
12 MAINTENANCE COSTS OF A CONVENTION
13 CENTER AND SPECIAL PROJECTS;
14 PROVIDING FOR REPEAL OF LAWS IN
15 CONFLICT; PROVIDING FOR
16 SEVERABILITY; PROVIDING FOR
17 INCLUSION IN THE CODE OF LAWS AND
18 ORDINANCES; AND PROVIDING FOR AN
19 EFFECTIVE DATE.

20 WHEREAS, Section 17-116 of the Code of Laws and
21 Ordinances relating to Palm Beach County Government/ Ordinance
22 No. 95-30, the Tourist Development Ordinance of Palm Beach
23 County, hereinafter "Ordinance", levied four percent (4%)
24 Tourist Development Tax ("bed tax") for certain permissible
25 uses as set forth in Section 125.0104, Florida Statutes; and

26 WHEREAS, the Ordinance established the Tourist
27 Development Plan (Plan) which sets forth the specific uses and
28 allocation of the revenues for the bed tax; and

29 WHEREAS, the Plan provided that a portion of the
30 initial three percent (3%) bed tax revenues shall be expended
31 for certain special projects, Category E; and

32 WHEREAS, the current Code/Ordinance provides that
33 the special projects use will sunset after three (3) years,
34 that is on September 30, 1998; and

1 **WHEREAS**, the Tourist Development Council (Council)
2 has recommended that the special project use should be
3 maintained and that tax revenues also be utilized for
4 operating and maintenance costs of a convention center as
5 permitted by Section 125.0104 (5) (a) (1), Florida Statutes, as
6 Category F; and

7 **WHEREAS**, the Plan also provides that the four
8 percent (4%) bed tax revenues be expended to finance the
9 planning, design and construction of a convention center
10 pursuant to Section 125.0104 (3) (1.) (2), Florida Statutes; and

11 **WHEREAS**, Section 125.0104 (3) (1.) (2), Florida
12 Statutes, has now been amended to permit the expenditure of
13 the four percent (4%) revenues for the payment of operation and
14 maintenance costs of a convention center; and

15 **WHEREAS**, the Council has recommended the Plan be
16 amended to include a provision for the expenditure of tax
17 revenues for the operation and maintenance costs of a
18 convention center; and

19 **WHEREAS**, the Council has reviewed the proposed
20 changes to the Plan and has recommended amendment of the Palm
21 Beach County Code/Tourist Development Ordinance to incorporate
22 those changes; and

23 **WHEREAS**, the Board of County Commissioners hereby
24 finds that these revisions to the Plan will advance, further
25 and promote Palm Beach County tourism.

26 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF**
27 **COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

28 Section I. Section 17-116, Tourist Development
29 Plan, Subsection (b), Use and allocation of Initial 3% Tax, is

hereby amended to read as follows:

B. Use and Allocation of Initial 3% Tax.

The following categories of use of the initial three percent (3%) tax are hereby set forth together with the percentage of the total amount of yearly revenue to be expended for, or credited to each category, subject to the provisions of Subsection (c) of this Section 17-116.

(1) **Category A:** Promote and advertise County Tourism in the state and nationally, and internationally, including the provision of a convention and visitors bureau and tourism information center: 53.6%

(2) **Category B:** Provide for cultural and fine and non-fine arts entertainment, festivals, programs, and activities which directly promote County tourism: 23%

(3) **Category C:** Provide for beach improvement, maintenance, renourishment, restoration and erosion control with an emphasis on dune restoration where possible: 14.4%

(4) **Category D:** Provide for film and television marketing and development activities which directly promote County tourism: 4%

(5) **Category E:** Provide for special major projects and events which directly further, advance, improve, promote and generate Palm Beach County tourism. To be selected and funded pursuant to Subsection (c) of this Section 17-116.

(6) **Category F:** Provide for the operation and maintenance of a convention center. To be funded pursuant to Subsection (c) of this Section 17-116.

(7) **Category G:** Attract, stimulate, market and execute sports events and activities in order to promote the County nationally and internationally as a sports destination including the financing of the construction of Blum Stadium, a sports stadium, all which directly promotes County tourism: 5%

Section II. Section 17-116, Subsection (c),

Reserve for Special Projects, is hereby renamed Reserve for

1 Convention Center Operation and Maintenance and Special
2 Major Projects and Events and is amended as follows:

3 C. Reserve for Convention Center Operations and
4 Maintenance and Special Major Projects and Events.

5 Notwithstanding the percentages allocating the initial three
6 percent (3%) of the bed tax revenues to the various
7 categories of uses as set forth above in Subsection (b),
8 each year the first two hundred and fifty thousand dollars
9 (\$250,000.00) of the initial three percent (3%) of bed tax
10 revenues shall be transferred into an account which shall be
11 reserved for the operation and maintenance costs of a
12 convention center (Category F) and the next one hundred
13 thousand dollars (\$100,000.) of the initial three percent
14 (3%) of the bed tax revenues shall be transferred into an
15 account (Category E) which shall be reserved for special major
16 projects and events which may arise from time to time
17 offering the County the opportunity to further, advance,
18 improve, promote, and generate Palm Beach County tourism.
19 The Council shall review such projects to ensure that the
20 expenditure of such funds is authorized under Section
21 125.0104(5), Florida Statutes, and is consistent with the
22 Plan. The Category E reserve account shall not exceed one
23 million dollars (\$1,000,000.). In the event the account
24 balance does exceed one million dollars (\$1,000,000.), the
25 excess revenues shall revert to Categories A, B, C, D, and
26 G in the percentages allocated in Subsection (b).

27 Section III. Section 17.116, Tourist Development
28 Plan, Subsection (d), Use of Additional 1% Tax, is hereby
29 amended as follows:

1 D. Use of Additional 1% Tax.

2 The additional one percent (1%) tax effective January 1,
3 1994, shall be used to pay:

4 1. The debt service on bonds issued to finance
5 the construction, reconstruction, or renovation
6 of professional sports franchise facilities and
7 to pay the planning and design costs of said
8 facilities incurred prior to the issuance of such
9 bonds.

10 2. The debt service on bonds issued to finance
11 the construction, reconstruction, or renovation
12 of a convention center, and to pay the planning
13 and design costs incurred prior to the issuance
14 of such bonds.

15 3. The operation and maintenance costs of a
16 convention center for a period of ten (10) years.

17 A Tourist Development Plan for professional sports
18 franchise facilities and/or a convention center must be
19 approved by resolution of the Board for the purpose of
20 advancing, promoting, and furthering County tourism. The
21 facilities and/or convention center identified in the
22 plan(s) to benefit from the levy of the additional one
23 percent (1%) tax may be amended by resolution of the Board.
24 This additional levy shall automatically expire upon the
25 retirement of all bonds issued to pay the debt service for
26 the financing of professional sports franchise facilities
27 and/or the convention center.

28 REPEAL OF LAWS IN CONFLICT.

29 All local laws and ordinances applying to the
30 unincorporated area of Palm Beach County in conflict with
31 any provision of this ordinance are hereby repealed to the
32 extent of any such conflict.

1 SAVINGS CLAUSE.

2 The provisions of the repealed ordinances are
3 reenacted herein and shall continue in full force and effect
4 without interruption with such modifications as contained in
5 this Ordinance. This Ordinance is a continuation of the
6 former ordinances and all rights and liabilities under the
7 former ordinances are preserved and may be enforced.

8 PENALTY.

9 Any person convicted of violating any portion of
10 this Ordinance shall be punishable as provided by law.

11 APPLICABILITY.

12 This Ordinance shall be applicable in the
13 unincorporated and incorporated areas of Palm Beach County.

14 SEVERABILITY.

15 If any section, paragraph, sentence, clause,
16 phrase, or word of this Ordinance is for any reason held by
17 a Court to be unconstitutional, inoperative or void, such
18 holding shall not affect the remainder of this Ordinance.

19 INCLUSION IN CODE OF LAWS AND ORDINANCES.

20 The provisions of this Ordinance shall become and
21 be made a part of the Code of Laws and Ordinances of Palm
22 Beach County, Florida. The sections of this Ordinance may
23 be renumbered or relettered to accomplish such, and the word
24 "ordinance" may be changed to "section", "article", or other
25 appropriate word.

EFFECTIVE DATE.

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 20th day of October, 1998.

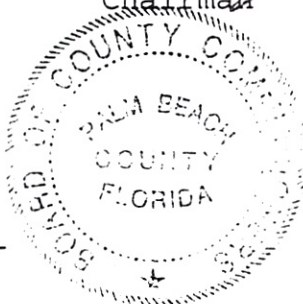
DOROTHY H. WILKEN, CLERK
Board of County Commissioners
By [Signature]
DEPUTY CLERK

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By [Signature]
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
County Attorney



EFFECTIVE DATE: Filed with the Department of State on the 28th day of OCTOBER, 1998.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 10/20/98
DATED at West Palm Beach, FL on 11/6/98.
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM CODRS CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (Palm Beach)	COUNTY ORDINANCE # (98-52) (e.g., 93 - 001)
PRIMARY KEYFIELD DESCRIPTOR: (Tourism Tax)	
SECONDARY KEYFIELD DESCRIPTOR: (Tourism)	
OTHER KEYFIELD DESCRIPTOR: ()	
ORDINANCE DESCRIPTION: (Tourist Development Tax) (25 characters maximum including spaces)	
ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (95-30); AMENDMENT # 2: ()	
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (); REPEAL # 3: (); REPEAL # 2: (); REPEAL # 4: ();	
(Others repealed:list all that apply):	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: ()	KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: ()	Rev. 6/29/93